

GJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY 5 AM 10:26

'08 MJ 1399

UNITED STATES OF AMERICA,

Plaintiff,

v.

David RODRIGUEZ

Defendant.

Magistrate Case No. PNHCOMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

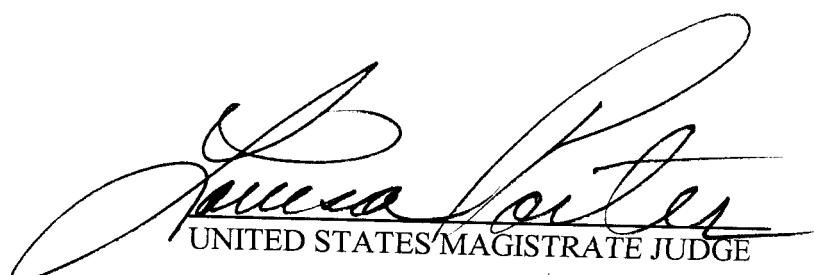
On or about **May 4, 2008**, at the **San Ysidro Port of Entry**, within the Southern District of California, defendant **David RODRIGUEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Maria Guadalupe REYES-Negrete**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparageza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF
May, 2008.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Maria Guadalupe REYES-Negrete** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 4, 2008 at approximately 4:20 PM, **David RODRIGUEZ (Defendant)** made application for admission to the United States from Mexico at the San Ysidro Port of Entry via the vehicle primary lanes. Defendant was the driver of a 1987 Mitsubishi pick-up truck. One minor passenger accompanied Defendant in the vehicle. Defendant presented his California driver license and the minor passenger presented his California identification card, both claiming to be U.S. citizens. Defendant and the minor passenger also stated they were not bringing anything from Mexico. Defendant declared ownership of the vehicle. The primary Customs and Border Protection (CBP) Officer requested the registration and noticed the documentation was in someone else's name. The primary CBP Officer subsequently elected to refer the vehicle and it's occupants to secondary for further inspection.

In secondary, Defendant and passenger stated they were returning to Los Angeles and Defendant again claimed ownership of the vehicle. The secondary CBP Officer requested the vehicle be screened by a CBP service canine. The canine alerted to the bench seat of the truck. The Canine Enforcement Officer conducted an inspection of the area and discovered a female hidden underneath the seat. The lever under the driver seat had to be pulled to slide the bench seat forward which allowed the female to free herself. The female was determined to be a citizen of Mexico without legal entitlements to enter the United States and is now identified as **Maria Guadalupe REYES-Negrete (Material Witness)**.

During a video-taped interview, Material Witness admitted she is a citizen of Mexico without legal documents to enter the United States. Material Witness stated her brother was going to pay \$4,200 USD upon her successful arrival to the United States. Material Witness stated she was going Los Angeles to seek employment and residency. Material Witness was able to identify Defendant in a photographic line-up display as being one of two people present while she was placed under the seat of the truck.